

REMARKS

Applicants submit this Response in response to the Examiner's Office Action mailed on December 23, 2005. Claims 1-122 and 129-136 have been canceled without prejudice. Claims 123-128 are now pending.

In the Office Action, the Examiner requires Applicants to update the specification regarding the status of the allowed parent case. Applicants amend the specification to update the status of the parent application No. 09/822,131.

The Examiner also requires the title to be changed to be more descriptive of the claimed invention. Applicants amend the title to be "KIT FOR DETECTING HER-2/NEU GENE BY SITE-SPECIFIC METAL DEPOSITION" which is more descriptive of the claimed invention.

The Examiner objects to the specification as failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Examiner states that "[t]he specification as originally filed does not contain written description for a kit."

Applicants respectfully direct the Examiner's attention to page 44, lines 4-6 of the specification of the parent application No. 09/822,131 as originally filed, where a kit for enzymatic deposition of metal was disclosed. As this parent application was incorporated by reference via a "Cross Reference to Related Applications" on page 1 of the instant application, the pending claims directed to a kit are entitled to the early priority date of the filing date of application No. 09/822,131: March 30, 2001.

Application No. 10/658,609
Reply to Office Action: Feb. 9, 2006
Office Action Dated: Dec. 23, 2005

CONCLUSION

In view of the above remarks, Applicants respectfully request the Examiner to expedite the prosecution of this patent application to issuance. Should the Examiner have any question, the Examiner is encouraged to telephone the undersigned.


The Commissioner is authorized to charge any additional fees that may be required, including petition fees and extension of time fees, or credit any overpayment to Deposit Account No. 23-2415 (Docket No. 6270-705.501).

Respectfully submitted,

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Dated: February 9, 2006

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